

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:04-cr-00118-MR-2**

UNITED STATES OF AMERICA,

vs.

FELIPE MARTINEZ-GARCIA.

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ORDER

THIS MATTER is before the Court on the Defendant's "Motion for the Court to Order Government to Show Cause If Petitioner is Subject to Immigration Charges for Illegal Re-entry upon Discharge of Instant Offense" [Doc. 80].

The Defendant was sentenced on April 25, 2006 to a term of 188 months' imprisonment after pleading guilty to one count of conspiracy to possess with intent to distribute methamphetamine, cocaine, and marijuana, in violation of 21 U.S.C. §§ 841 and 846. [Doc. 58]. The Fourth Circuit Court of Appeals affirmed his conviction and sentence on December 19, 2006. [Doc. 75].

The Defendant now requests the Court to order the Government to advise if he will be subject to any further detention or immigration charges for illegal re-entry following the completion of his prison sentence. [Doc.

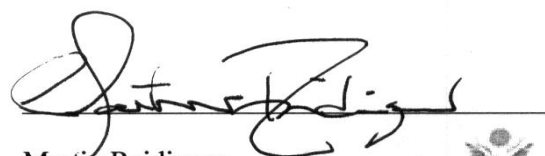
80]. For grounds, the Defendant explains that he is already serving a lengthy sentence and wishes to avoid any further detention that would delay his deportation back to Mexico. [Id.].

The Defendant does not cite any statute or procedural rule authorizing the type of relief sought. The Government is under no obligation to advise the Defendant as to whether he may be charged with additional crimes in the future. Accordingly, the Defendant's motion must be denied.

IT IS, THEREFORE, ORDERED that the Defendant's "Motion for the Court to Order Government to Show Cause If Petitioner is Subject to Immigration Charges for Illegal Re-entry upon Discharge of Instant Offense" [Doc. 80] is **DENIED**.

IT IS SO ORDERED.

Signed: January 17, 2014


Martin Reidinger
United States District Judge

